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NO. 83-101

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

IOWANS FOR TAX RELIEF and DON CARVER,

Appellants,

vs.

THE CAMPAIGN FINANCE DISCLOSURE COMMISSION and DAN JOHNSTON,

Appellees.

ON APPEAL FROM THE
SUPREME COURT OF IOWA

MOTION TO DISMISS OR AFFIRM

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QUESTIONS PRESENTED

1. Whether Chapter 56, the Code of Iowa (1979), is unconstitutional to the extent it purports to require disclosure of the identity of contributors to ballot issue campaigns, vis a vis candidate elections, where the state has made no showing of compelling and subordinating governmental interests which justify compelled disclosure of the names of contributors to ballot issue campaigns that outweigh the rights of speech and privacy of association of those contributions.

2. Whether application of the disclosure requirements contained in Chapter 56, The Code of Iowa (1979), is unconstitutional since there is a reasonable probability that compelled disclosure of the identities of Iowans for Tax Relief's members and contributors will subject them to threats, harassment or reprisals from either government officials or private parties.

3. Whether the Iowa Supreme Court erred in failing to strictly construe the definition of "political committee" contained in Section 56.2(6), The Code of Iowa (1979), and resolve the ambiguities of the statute in favor of Iowans

for Tax Relief and its treasurer, Don Carver, where:

(a) The statute is a penal statute enforceable by criminal prosecution, and due process requires the statute provide sufficient notice of what conduct is proscribed; and

(b) The statute infringes upon First Amendment rights.

4. Whether the Iowa Supreme Court erred in determining that the amendment to the definition of "political committee" contained in Section 56.2(6), The Code of Iowa, which amendment was enacted by the Iowa legislature after the alleged criminal conduct, could be retroactively applied to the conduct of Iowans for Tax Relief and its treasurer, Don Carver.

5. Whether the requirement that a nonpartisan organization of continuous existence file detailed reports every 30 days following an election until the organization is dissolved is an unconstitutional burden on associational rights of permanent organizations.

6. Whether the Iowa District Court in a judicial review proceeding under Section 17A.19, The Code of Iowa (1979), the exclusive remedy for persons aggrieved by the actions of agencies such as the Campaign Finance Disclosure Commission, has subject matter jurisdiction over, and the power to stay, the Polk County Attorney, to whom the Commission referred an alleged violation of the reporting and disclosure requirements contained in Iowa Code Section 56.5, the Iowa Code (1979) for criminal prosecution.

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MOTION TO DISMISS OR AFFIRM

The Appellee moves the Court to dismiss the appeal herein or, in the alternative, to affirm the judgment of the Supreme Court of Iowa on the grounds that the six questions presented by appeal: (1) are not within this Court's jurisdiction; (2) are not substantial federal questions;

or (3) were not properly raised and were not expressly passed on by the Iowa Supreme Court.

I. STATEMENT OF THE CASE

A. The Statute: This appeal raises questions concerning the application of the "Campaign Disclosure- Income Tax Checkoff Act" under Chapter 56 of the 1979 Code of Iowa.

The specific section of Chapter 56 involved in this appeal is § 56.2(6) which provides:

> "Political committee" means a committee, but not a candidate's committee, which shall consist of persons organized for the purpose of accepting contributions, making expenditures, or incurring indebtedness, in the aggregate of more than one hundred dollars in any one calendar year for the purpose of supporting or opposing a candidate for public office or ballot issue.

This section, as construed by the Iowa Supreme Court, defines as a political committee subject to disclosure

requirements persons who accept contributions, make expenditures, or incur indebtedness in excess of the statutory threshold for the purpose of supporting or opposing a candidate for public office or ballot issue.[1]

B. The Proceedings Below: The Iowa Campaign Finance Disclosure Commission filed a complaint against Iowans For Tax Relief on November 4, 1980, and alleged that Iowans for Tax Relief had accepted contributions in excess of one hundred dollars in support of a ballot issue but

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[1] In 1981 this language was amended to define a political committee as "a committee, but not a candidate's committee, which accepts contributions, makes expenditures, or incurs indebtedness in the aggregate of more than two hundred fifty dollars in any one calendar year for the purpose of supporting or opposing a candidate for public office or ballot issue." Iowa Code § 56.2(6) (1983).

had failed to file a Statement of Organization and an October 30, 1980 disclosure report. (Jurisdictional Statement 22)

The Commission held a hearing on December 16, 1980, and issued a decision on March 5, 1981. The Commission determined that Iowans for Tax Relief constituted a "political committee" under § 56.2(6) and, thereby, incurred filing obligations. The Commission found reasonable ground to believe that Iowans for Tax Relief had violated Chapter 56 by failing to file a Statement of Organization and an October 30, 1980 disclosure report. (Jurisdictional Statement 30-37)

The Iowa District Court for Muscatine County reversed the Commission on petition for judicial review of the agency decision in an order issued on October 13, 1981. (Jurisdictional Statement 39-49)

The Iowa Supreme Court reversed the district court on appeal in a decision

issued on March 16, 1983. (Jurisdictional Statement 50-64)

II. ARGUMENT

This Court should dismiss or, in the alternative, affirm the judgment of the Supreme Court of Iowa on each of six issues presented on the grounds considered separately below:

A. Whether Chapter 56, The Code of Iowa (1979), is unconstitutional to the extent it purports to require disclosure of the identity of contributors to ballot issue campaigns, vis a vis candidate elections, where the state has made no showing of compelling and subordinating governmental interests which justify compelled disclosure of the names of contributors to ballot issue campaigns that outweigh the rights of speech and privacy of association of those contributions.

The first issue raised by Iowans for Tax Relief in this appeal presents no substantial federal question. To be substantial a federal question must not be so foreclosed by prior decisions of the Supreme Court that no real controversy remains. See Palmer Oil Corp. v. Amerada

Corp., 343 U.S. 390, 392 (1952). This Court has already expressly approved the use of disclosure provisions in the context of corporate contributions and expenditures on ballot issues. In First National Bank of Boston v. Bellotti, 435 U.S. 765 (1978), this Court explained its rationale for striking down a state law prohibiting corporate contributions and expenditures on ballot issues and further pointed out that "[c]orporate advertising, unlike some methods of participation in political campaigns, is likely to be highly visible" and "[i]dentification of the source of advertising may be required as a means of disclosure so that people will be able to evaluate the arguments to which they are being subjected." Id. at 792 n.32.

More recently in Citizens Against Rent Control v. Berkeley, 454 U.S. 290 (1981), this Court struck down a city ordinance limiting contributions to committees which

support or oppose ballot issues based, in part, on the rationale that the state interest of identifying supporters and opponents of ballot issues which was asserted in justification of the limitation was adequately protected by separate disclosure provisions of the ordinance. Id. at 298. This Court further clearly stated that "[t]he integrity of the political system will be adequately protected if contributors are identified in a public filing revealing the amounts contributed." Id. at 299.

The decisions of Bellotti and Berkeley leave no real controversy that a statute requiring disclosure of contributors to ballot issue campaigns is facially valid. Appellants present no specific challenge to Chapter 56 which would remove the issue from the umbrella of the Bellotti and Berkeley decisions.

B. Whether application of the disclosure requirements contained in Chapter 56, The Code of Iowa (1979), is unconstitutional since there is a reasonable probability that compelled disclosure of the identities of Iowans for Tax Relief's members and contributors will subject them to threats, harassment or reprisals from either government officials or private parties.

The second issue presented by Iowans for Tax Relief in this appeal is unsupported by any factual evidence upon which the issue can be further argued meaningfully to this Court. To substantiate a First Amendment claim it is Appellants' obligation to present proof of harassment which establishes a reasonable probability that disclosure would create a significant chilling effect. See Brown v. Socialist Workers '74 Campaign Committee, 103 S.Ct. 416 (1982); Buckley v. Valeo, 424 U.S. 1 (1976). In proceedings before the Campaign Finance Disclosure Commission, however, Iowans for Tax Relief failed to produce any evidence which would meet this criteria.

The evidence upon which Iowans for Tax Relief rely in their Jurisdictional Statement to support this issue on appeal consists of bald speculation on the part of David Stanley, president of the organization. (Jurisdictional Statement 89-95) This paucity of evidence led the Iowa Supreme Court to deal with the merits of this issue in one paragraph aptly concluding that "[a]s in Buckley, the record in the present case contains no evidence of harassment or any substantial basis for believing it would occur." Iowans for Tax Relief and Don Carver v. The Campaign Finance Disclosure Commission and Dan Johnston, 331 N.W.2d 862, 868 (Iowa 1983).

C. Whether the Iowa Supreme Court erred in failing to strictly construe the definition of "political committee" contained in Section 56.2(6), The Code of Iowa (1979), and resolve the ambiguities of the statute in favor of Iowans for Tax Relief and its treasurer, Don Carver, where:

(a) The statute is a penal statute enforceable by criminal prosecution, and due process requires the statute provide sufficient notice of what conduct is proscribed; and

(b) The statute infringes upon First Amendment rights.

The third issue presented by Iowans for Tax Relief in this appeal challenges the Iowa Supreme Court's construction of the state statute which defines those entities subject to disclosure obligations. See Iowa Code § 56.2(6) (1979). The highest court of the state, however, has binding authority to construe state law. Hortonville Joint School District No. 1 v. Hortonville Education Association, 426 U.S. 482, 488 (1976). Accordingly, Iowans for Tax Relief cannot challenge the construction decided by the Iowa Supreme Court but must challenge the constitutionality of the statute as construed. See II.A., II.B., supra.

D. Whether the Iowa Supreme Court erred in determining that the amendment to

the definition of "political committee" contained in Section 56.2(6), The Code of Iowa, which amendment was enacted by the Iowa legislature after the alleged criminal conduct, could be retroactively applied to the conduct of Iowans for Tax Relief and its treasurer, Don Carver.

The fourth issue presented by Iowans for Tax Relief in this appeal challenges construction of the state statute in light of a subsequent, clarifying amendment. For reasons discussed, II.C., supra, this issue is not reviewable.

E. Whether the requirement that a nonpartisan organization of continuous existence file detailed reports every 30 days following an election until the organization is dissolved is an unconstitutional burden on associational rights of permanent organizations.

The fifth issue presented by Iowans for Tax Relief raises a constitutional challenge to specific disclosure obligations imposed under § 56.6(1) which was not properly raised and not expressly passed on in state court. This Court has consistently refused to decide federal constitutional issues raised for the first

time on review of state court decision. Cardinale v. Louisiana, 394 U.S. 437, 438-39 (1969). This principle precludes the challenge mounted against § 56.6(1) of the Iowa Code at this stage in the proceedings.

Iowans for Tax Relief failed to challenge the thirty day filing requirement imposed under § 56.6(1) before the Iowa Supreme Court either on its face or as applied. Section 56.6(1) does require a committee supporting or opposing a ballot issue to file disclosure reports five days before the ballot issue appears on the printed ballot, thirty days after the final election in which the ballot issue appears on the printed ballot, and every thirty days until the committee dissolves. Iowa Code § 56.6(1) (1979). If no contributions have been accepted and no disbursements made, however, the disclosure report need only show the amount of cash on hand. Iowa

Code § 56.6(4) (1979). Iowans for Tax Relief did not undertake a facial challenge to this thirty-day requirement but referred to § 56.6(1) briefly in response to the Commission's position that it was contributors in opposition to the ballot issue not all members of the organization which must be disclosed. (App. 14) Indeed, the Iowa Supreme Court opinion does not acknowledge that such a challenge was made. (Jurisdictional Statement 50-64) Iowans for Tax Relief, moreover, could not have challenged this requirement as applied since they were only charged with failing to file a statement of organization and the initial disclosure report due five days before the ballot issue appeared on the ballot. (Jurisdictional Statement 24-27) The thirty-day filing requirement was never sought to be enforced against them.

F. Whether the Iowa District Court in a judicial review proceeding under Section 17A.19, The Code of Iowa (1979),

the exclusive remedy for persons aggrieved by the actions of agencies such as the Campaign Finance Disclosure Commission, has subject matter jurisdiction over, and the power to stay, the Polk County Attorney, to whom the Commission referred an alleged violation of the reporting and disclosure requirements contained in Iowa Code Section 56.5, the Iowa Code (1979) for criminal prosecution.

The sixth and final issue presented by Iowans for Tax Relief in this appeal, like issues C and D, supra, challenges the Iowa Supreme Court's construction of a state statute. In this instance, Iowans for Tax Relief seek review of the Iowa Supreme Court's construction of section 17A.19 of the Iowa Administrative Procedure Act under which, the Court concluded, the district court of Muscatine County was not conferred with jurisdiction to stay criminal proceedings in Polk County. The principle that the highest court of the state has binding authority to construe state law is applicable to procedural as well as substantive statutes. See Hortonville Joint

School District No. 1 v. Hortonville Education Association, 426 U.S. at 488. Accordingly, Iowans for Tax Relief is foreclosed from challenging the Iowa Supreme Court's construction of Chapter 17A as well as Chapter 56.

III. CONCLUSION

WHEREFORE, Appellee respectfully submits that the questions upon which this cause depends do not support this appeal and respectfully pray this Court to dismiss this appeal or, in the alternative, to affirm the judgment entered in this cause by the Supreme Court of Iowa.

Respectfully submitted,

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APPENDIX A

EXCERPTS FROM APPELLANTS' IOWA SUPREME COURT BRIEF

DIVISION II. Requiring Iowans to Comply With the Disclosure Requirements of Chapter 56 Would be Unconstitutional.

> I confess that I find this episode somewhat perverse. It is disturbing because citizens of this nation should not be required to account to this court for engaging in debate of political issues. Indeed, since the days of the infamous Stamp Act, vigorous denunciation of "oppressive" rates of taxation, has enjoyed a long and notable history. Judge Kaufman (concurring) in FEC v. Central Long Island Tax Reform, etc., 616 F.2d 45 (2d Cir. 1980) at 54.

Chapter 56 as it existed in 1980 does not apply to Iowans for the reasons discussed in Division I. If it were applicable, its disclosure and reporting provisions with respect to Iowans would violate the United States and Iowa Constitutions. Forced disclosure of any or all of Iowans'

members and contributors would unconstitutionally infringe the rights of free speech and free private association of Iowans and its members and contributors.

A. Iowans Has a Protected Right of Corporate Free Speech.

Iowans for Tax Relief, a nonprofit corporation, has a right of free speech under the First Amendment to the United States Constitution, and Article I, Section 7 of the Constitution of the State of Iowa, (1857). First National Bank of Boston v. Bellotti, 435 U.S. 765, 55 L.Ed.2d 707, 98 S.Ct. 1407 (1978); Des Moines Register & Tribune v. Osmundson, 248 N.W.2d 493 (Iowa 1976).

Prior to Bellotti, it was believed a corporation's First Amendment rights were derived from its property rights under the Fourteenth Amendment. Bellotti rejected that notion, stating:

> This is an artificial mode of analysis, untenable under decisions of this Court.

435 U.S. at 779, 55 L.Ed.2d at 719, 98 S.Ct. at 1417. It is now undisputed that Iowans and other corporations have rights of free speech under the state and federal constitutions.

B. Iowans' Members and Contributors have Constitutional Rights of Association. Iowans has Standing to Assert These Rights.

Iowans' supporters have constitutional rights of association, which are recognized as necessary to the effective exercise of the other First Amendment rights. NAACP v. Alabama, 357 U.S. 449, 2 L.Ed.2d 1488, 78 S.Ct. 1163 (1958):

> Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association, as this Court has more than once recognized by remarking upon the close nexus between the freedoms of speech and assembly. (Citations omitted.) It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the "liberty" assured by the Due Process Clause

> of the Fourteenth Amendment which embraces freedom of speech.

357 U.S. at 460, 2 L.Ed.2d at 1498, 78 S.Ct. at 1171.

The rights of citizens of this state to participate in organizations such as Iowans for Tax Relief to effectively promote their common interests cannot be disputed, and Iowans has standing to assert the rights of its members. NAACP v. Alabama, 357 U.S. at 458-9, 2 L.Ed.2d at 1497, 78 S.Ct. at 1170.

All contributors to Iowans are regarded as members for the purpose of these constitutional rights, for two reasons.

First, Iowans' by-laws provide that each contributor automatically becomes a member. Members set their own dues and may join Iowans either by giving money or pledging time. App. pp. 168-169.

Secondly, the U.S. Supreme Court decisions in this area "have not drawn fine lines between contributors and members but have treated them interchangeably." Buckley v. Valeo, 424 U.S. 1, 66, 46 L.Ed.2d 659, 714, 96 S.Ct. 612, 657 (1976).

C. Compelled Disclosure of Names of Members or Contributors Infringes First Amendment Rights of Free Private Association. To Uphold Such Disclosure, the State Must Show That It Has a Compelling and Subordinating Interest and that there is a Substantial Relation Between the Governmental Interest and the Information to be Disclosed.

NAACP v. Alabama, 357 U.S. 449, 2 L.Ed.2d 1488, 78 S.Ct. 1163 (1958) held that the State of Alabama could not compel the NAACP to disclose its membership list because disclosure would be a restraint on freedom of private association:

> [S]tate action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny. . . .
>
> It is hardly a novel perception that compelled disclosure of

> affiliation with groups engaged in advocacy may constitute as effective a restraint on freedom of association as the forms of governmental action in the cases above were thought likely to produce upon the particular constitutional rights there involved. This Court has recognized the vital relationship between freedom to associate and privacy in one's associations. . . .
>
> Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs.

NAACP v. Alabama, 357 U.S. at 461-462, 2 L.Ed.2d 1488 at 1499-1500, 78 S.Ct. at 1171.

The same rule applies to compelled disclosure of names of contributors, so contributors and members are treated "interchangeably":

> . . . The right to join together "for the advancement of beliefs and ideas," [citation omitted], is diluted if it does not include the right to pool money through contributions, for funds are

> often essential if "advocacy" is to be truly or optimally "effective." Moreover, the invasion of privacy of belief may be as great when the information sought concerns the giving and spending of money as when it concerns the joining of organizations. . . .

Buckley v. Valeo, 424 U.S. at 65-66, 46 L.Ed.2d at 714, 96 S.Ct. at 657.

When state action infringes upon constitutional rights of speech and association, the burden is on the state to show a state interest which is both compelling and subordinating. The state's claim must survive "exacting scrutiny." Furthermore, the state must use means closely drawn to avoid unnecessary abridgement of constitutional rights and must show a "relevant correlation" or "substantial relation" between the governmental interest and the information required to be disclosed. First National Bank of Boston v. Bellotti, 435 U.S. 765, 786, 55 L.Ed.2d 707, 724, 98 S.Ct. 1407, 1421 (1978); Buckley v. Valeo,

424 U.S. 1, 25, 46 L.Ed.2d 659, 691, 96 S.Ct. 612, 638 (1976).

D. The State has Not Met its Burden to Show a Compelling and Subordinating Interest that Justifies Infringing the Constitutional Rights of Iowans' Members by Forced Disclosure.

The record shows that members of Iowans particularly need protection of their privacy. Iowans' anti-tax and anti-spending stands have incurred the opposition of powerful governmental and private interests. Members who are government employees, do business with any government, or need a governmental permit are especially vulnerable to retaliation. The chilling effect on the rights of Iowans' members if Iowans is forced to disclose members' names is as obvious as was Alabama's motive in demanding the NAACP's membership list. App. pp. 199-200, 210-213.

Commission offered no evidence to the contrary.

Commission has also failed to show any compelling and subordinating state interest that would justify forced disclosure of the names of Iowans' members who contribute more than $25, or the unreasonable and perpetual reporting burden on Iowans discussed in § E of Division I above.

Buckley v. Valeo was the first modern authority to consider the constitutionality of campaign finance regulation. Cf. Burroughs v. United States, 290 U.S. 534, 78 L.Ed. 484, 54 S.Ct. 287 (1934). Buckley addressed the Federal Election Campaign Act (2 U.S.C. § 431 et. seq.; 18 U.S.C. § 591 et. seq., and 26 U.S.C. § 9001 et. seq.) upholding and striking down various provisions. Buckley recognized that reporting and disclosure requirements infringe upon protected interests recognized in NAACP v. Alabama and its progeny. However, three compelling and subordinating interests justified the infringement:

1. Providing information to the voters to evaluate the tendencies of candidates by indicating the sources of their support;

2. Deterring actual corruption and the appearance of corruption by exposing large contributions to candidates; and

3. Providing recordkeeping for purposes of enforcing the expenditure limitations contained in the Federal Act.

424 U.S. at 66-68, 46 L.Ed.2d at 714-715, 96 S.Ct. at 657-658.

These governmental interests do not apply to Iowans' participation in the constitutional convention ballot issue. Chapter 56 does not contain any expenditure limitation so there is no governmental interest in recordkeeping. The other governmental interests noted in Buckley apply to candidate elections and do not

justify constitutional infringement in the context of a ballot issue.

Bellotti recognized the differences between candidate elections and referenda:

> Referenda are held on issues, not candidates for public office. The risk of corruption perceived in cases involving candidate elections (citations omitted) simply is not present in a popular vote on a public issue. To be sure, corporate advertising may influence the outcome of the vote; this would be its purpose. But the fact that advocacy may persuade the electorate is hardly a reason to suppress it: The Constitution "protects expression which is eloquent no less than that which is unconvincing." (citation omitted)

435 U.S. at 790, 55 L.Ed.2d at 726-27, 98 S.Ct. at 1423.

The requirements of Chapter 56 for disclosure of contributions to candidates are presumably constitutional for the reasons stated in Buckley. However, the disclosure and reporting requirements for ballot issue committees may well be

facially invalid. Certainly they are unconstitutional as applied to Iowans.

Iowans has found no authority upholding disclosure requirements in the context of a ballot issue.

Commission has avoided addressing the constitutional issues, and has totally failed to meet its heavy burden to show a compelling and subordinating state interest and overcome the other strict tests established by the U.S. Supreme Court decisions cited in § C above.

New York Civil Liberties Union, Inc. v. Acito, 459 F.Supp. 75 (S.D. N.Y. 1978), cited by Commission, struck down a provision of the New York election law defining a political committee as:

> Any corporation aiding or promoting and any committee or combination of one or more persons operating or cooperating to aid or promote the success or defeat of a political party or principle, or any other questions

> submitted to vote at a public election. . . .

459 F.Supp. at 78.

The statute was struck down as overbroad. The Federal District Court held it would be upheld only if narrowly construed to require disclosure of contributions to a permanent organization specifically "earmarked" for use in the ballot issue campaign. 459 F.Supp. at 85. Because no state decision had placed such a narrowing construction on the statute, the Federal Court struck down the provision in its entirety as overbroad.

Before the District Court, Commission belatedly attempted to narrow the scope of disclosure required by Chapter 56, stating:

> Under the Commission's theory a committee need disclose only those contributors who contributed in connection with the ballot issue and not general dues paying members or contributors prior to or otherwise separate from the ballot issue. Under this theory ISEA, like Iowans, would have had to disclose the

> source of contributors who made special contributions, beyond general dues, which could reasonably have been expected to reach the Committee to Protect the Constitution.

The Campaign Finance Disclosure Commission's Brief, p. 11, filed August 31, 1981.

Commission's attempt to bring its action within constitutional bounds in reliance on Acito fails. The validity of Acito as precedent is questionable since the case was decided shortly after Bellotti and does not cite that controlling authority. In any event, the state cannot require permanent organizations to disclose anyting more than "earmarked" contributions and the record is clear and uncontroverted that Iowans refused earmarked contributions. App. pp. 165-166, 178, 196-198, 227, 239-240. If Commission sought nothing more than "earmarked" contributions there would be nothing to disclose.

However, it is not permissible to place a sufficiently narrowing construction on Chapter 56 to remove its unconstitutionality. Chapter 56 expressly requires a permanent organization that becomes a ballot issue committee to disclose every receipt in excess of $25 and every expenditure of $5 or more, in perpetuity. § 56.6(1), (3)(b), (c) and (g), The Code (1979). The 1981 amendment does not change this.

Moreover, the constitutionality of Chapter 56 must be determined as it read in 1980. To compel this disclosure, Commission must have reasonable grounds to believe Iowans was a political committee which, at the time of the alleged offense, required Iowans be "organized for the purpose of" political activity. The District Court dismissed the complaint because there was no showing Iowans was organized for any purposes other than those set out

in its Articles of Incorporation. However, if Iowans were a "political committee" then the disclosure requirements of Chapter 56 would impose an unconstitutional burden when applied to permanent organizations like Iowans.

The disclosure and reporting requirements of Chapter 56 are plainly unconstitutional if applied to Iowans. Commission bears an especially heavy burden in attempting to justify the infringement of forced disclosure on rights of free speech and free private association. Commission has filed to meet that burden.

However, this Court need not reach the constitutional issues if the District Court's decision is affirmed on any of the statutory grounds discussed in Division I.